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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,515	02/11/2000	Shawn D. Loveland	203665	5271

7590 05/21/2003  
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EXAMINER

CHAWAN, VIJAY B

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 05/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/502,515

Applicant(s)

LOVELAND, SHAWN D.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al., (6,161,090) in view of Engelke et al., (5,604,786).

As per claim 1, Kanevsky et al., teach a method for authenticating a user for access to a computer network via a network access server including a voice interface and a speech synthesizer, the method comprising the steps of:

receiving a user identification from a user seeking access to the computer network via the voice interface (abstract, lines 2-8, Col.3, lines 25-30);

issuing a variable challenge query (Col.3, lines 31-37);

receiving a response to the challenge query (Col.3, lines 31-37); and,

selectively logging the user onto the computer network based upon a determination of whether the response to the challenge meets a matching standard with reference to a stored voice sample sequence, wherein the voice sample sequence corresponds to the user identification and the challenge query (Col.3, lines 25-50).

Kanevsky et al., however, do not specifically teach the dual-access communication interface supporting both data calls and voice calls over a same physical input. Engelke et al., do teach a dual-access interface (Col.3, lines 8 – 26, Col.5, lines 39-60). Therefore it would have been obvious to one with ordinary skill in the art at the time of invention to incorporate the interface as taught by Engelke et al., in the method of Kanevsky et al., because, this would provide the user with a single interface to support both data and voice calls over the same interface efficiently.

As per claim 2, Kanevsky et al., teach the method of claim 1, wherein the variable challenge query is selected from a set of potential queries, the variable challenge query is determined in a manner such that the user cannot determine, in advance of the issuing step, the challenge query (Col.3, lines 25-50).

As per claim 3, Kanevsky et al., teach the method of claim 1, wherein the logging on procedure comprises submitting a stored computer network user identification and password by the network access server to a network security server (Col.3, lines 25-50).

As per claim 4, Kanevsky et al., teach the method of claim 3, further comprising the step of receiving, in response to the submitting step, a set of credentials for a logged on user (Col.3, lines 25-50).

As per claim 5, Kanevsky et al., teach the method of claim 4, further comprising the step of creating an application proxy having the set of credentials for the logged on user, the application proxy carrying out requests on behalf of the user seeking access to the computer network (Col.8, lines 37-55).

As per claim 6, Kanevsky et al., teach the method of claim 3, further comprising the steps of receiving a notification of successful logging onto the computer network and thereafter executing an application in accordance with vocal commands received by the voice interface (Col.8, lines 37-55).

As per claims 7-9, Kanevsky et al., teach various applicable applications (Col.8, lines 17-55).

As per claims 11-13, Kanevsky et al., teach a communication interface supporting both data calls and voice calls over the same physical input line, the challenge query is a request to repeat the phrase transmitted by the voice interface, based upon alphanumeric values (Col.8, lines 37-67).

Claims 14-15, 17-20 are apparatus claims to implement the method of claims 1-9, 11-13, and are similar in scope and content, and are rejected under similar rationale.

Claim 21 is computer readable medium containing instructions to implement the method of claim 1, and is rejected under similar rationale.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9, 11-15, 17-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See attached PTO-892.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Vijay B. Chawan  
Primary Examiner  
Art Unit 2654

5/19/03

vbc  
May 19, 2003

**VIJAY CHAWAN  
PRIMARY EXAMINER**